N. J., F. D. 31103–31140

Issued June 1942

# FEDERAL SECURITY AGENCY

## FOOD AND DRUG ADMINISTRATION

# NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the Food and Drugs Act]

31106–31140

DRUGS

The cases reported herewith, commenced prior to June 30, 1940, were instituted in the United States District Courts by the United States attorneys acting upon reports submitted by direction of the Secretary of Agriculture; and those commenced on and after that date were similarly instituted upon reports submitted by direction of the Federal Security Administrator.

PAUL V. MCNUTT, *Administrator, Federal Security Agency.*

*Washington, D. C., March 23, 1942.*

**31106. Adulteration and misbranding of prophylactics. U. S. v. Charles E. Jenkins, James L. Tyrrell, and Maurice Gusman (Killashun Sales Division). Pleas of guilty. Fine, $400.** (F. & D. No. 42803. Sample Nos. 61701–D, 61702–D.)

This case involved shipments of prophylactics which were defective because of the presence of holes.

On August 12, 1940, the United States attorney for the Northern District of Ohio filed an information against Charles E. Jenkins, James L. Tyrrell, and Maurice Gusman, copartners, trading as Killashun Sales Division, at Akron, Ohio, alleging shipment on or about March 11, 1939, from the State of Ohio into the State of Texas, of quantities of prophylactics that were adulterated and misbranded. They were labeled in part: "L. E. S. Genuine Liquid Latex."

The articles were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that they were represented to be disease preventives and were guaranteed to be effective for such purpose for 5 years; whereas they were not disease preventives and would not be effective for such purpose for 5 years since they were in whole or in part defective because of the presence of holes.

They were alleged to be misbranded in that statements borne on the labels, "Prophylactic * * * Guaranteed Five Years * * * For the Prevention of Disease," with respect to a portion of the product and the statement, "Guaranteed Five Years * * * For the Prevention of Disease" with respect to the remainder, were false and misleading in that the said statements represented that the articles would be effective to prevent disease and were guaranteed to be effective for such purpose for 5 years; whereas the articles would not be effective to prevent disease and would not be effective for such purpose for 5 years, since they were in whole or in part defective because of the presence of holes.

The information also charged other shipments of a similar product which were adulterated and misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notice of judgment No. 412, published under that Act.

On June 18, 1941, the defendants having entered pleas of guilty, the court imposed a fine of $100 on each count of the information, the fines on the counts charging violation of the Food and Drugs Act of 1906 amounting to $400.

**31107. Alleged misbranding of Z–G Herbs. U. S. v. 24 Packages of Z–G Herbs No. 17 Double Strength, 19 Packages of Z–G Herbs No. 17. Tried to the court. Judgment for the Government in the district court. Appeal to the Circuit Court of Appeals. Judgment of district court reversed. Libel dismissed and product ordered returned to claimant.** (F. & D. No. 30669. Sample No. 36388–A.

**U. S. v. 119 Packages of Z–G Herbs No. 17 Double Strength. Claim and answer and motion to dismiss filed. Motion to dismiss granted.** (F. & D. No. 31150. Sample No. 45493–A.)

**U. S. v. Sinclair G. Stanley (Z–G Herbs Co.). Demurrer to information sustained and information dismissed.** (F. & D. No. 32232. Sample Nos. 43493–A, 43497–A, 43498–A.)

This report is based upon seizure actions against two lots of the above-named drug the labeling of which was alleged to be false and fraudulent and a criminal prosecution based upon various shipments of the drug.

On June 26 and September 26, 1933, the United States attorneys for the Eastern District of Michigan and the Southern District of New York filed libels against 24 packages of Z–G Herbs No. 17 Double Strength and 19 packages of Z–G Herbs No. 17 at Detroit, Mich., and 119 packages of Z–G Herbs No. 17 Double Strength at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about June 7 and August 12, 1933, by the Z–G Herbs Co. from Chicago, Ill.; and charging that it was misbranded in violation of the food and drugs act as amended.

On January 7, 1935, an information was filed in the Northern District of Illinois against Sinclair G. Stanley, trading as the Z–G Herbs Co., Chicago, Ill., charging interstate shipment by the defendant of certain quantities of Z–G Herbs from the State of Illinois into the States of Michigan and New York, also a quantity of the same drug product into the State of New Jersey.

It was alleged in the libels and in the information that the following representations in the labeling, (carton for both products) "of unequaled value in all stomach, intestinal, digestive and blood disturbances. It is a powerful blood purifier and tonic * * * for tonic effect * * * Children * * * it certainly will improve their appetite making them strong and healthy," were statements regarding the curative or therapeutic effects of the article and were false and fraudulent.

On February 18, 1935, the defendant Sinclair G. Stanley filed a motion to quash the information filed in the Northern District of Illinois, which motion was overruled but the defendant was granted leave to file a demurrer. On April 29, 1935, the court sustained the demurrer to the information without opinion.

On April 30, 1936, Sinclair G. Stanley, trading as the Z–G Herbs Co., claimant in both seizure actions, having moved for dismissal of the libel filed in the Southern District of New York the motion was granted with the following opinion:

HULBERT, *District Judge.* "After the institution of this action, the Government proceeded against the claimant by filing an information in criminal proceedings in the District Court of the United States for the Northern District of Illinois, eastern division.

"The second count of the information covers the precise shipment of merchandise which is the subject matter of this action.

"On April 29, 1935, the court sustained a demurrer to said information, writing no opinion. Among the grounds of the demurrer, were: "The count does not charge any offense under the Pure Foods and Drug Act or any law of the United States because the count shows on its face that the statements, designs, or devices alleged to have been borne by the packages were not statements of curative or therapeutic effect, and therefore the court does not charge that the packages bore statements, designs, or devices regarding curative or therapeutic effect. The count does not charge any offense under the Pure Foods and Drug Act or any of the laws of the United States, because the count does not allege any statements, designs, or devices regarding the curative or therapeutic effect which are false and fraudulent or which could be deemed false and fraudulent.'

"In *United States* v. *Oppenheimer*, 242 U. S. 85, the court said at page 87: 'We do not suppose that it would be doubted that a judgment upon a demurrer to the merits would be a bar to a second indictment in the same words. * * * Of course the quashing of a bad indictment, is no bar for a prosecution upon a good one * * *.'

"The Government neither appealed nor filed a superseding information but the defendant amended its answer in this action to set up that judgment as res adjudicata and now moves to dismiss.

"In *Northern Pacific* v. *Slaught*, 205 U. S. 122, it was held that a judgment on demurrer is as conclusive as one rendered upon proof. The court there said: 'The record shows that the demurrer was not upon mere formal, or technical defects, but went to the merits.'

"The court is loathe to interpret the determination made by another judge in another district, but from the record before me in that case it appears that the demurrer was sustained upon the ground that the goods were not misbranded. It was, therefore, disposed of upon the merits and not upon a mere technical defect.

"Motion granted. Settle order on 2 days' notice."

On April 14, 1936, the claimant filed an amended answer to the libel filed in the Eastern District of Michigan denying the allegations of the libel and setting up as an affirmative defense that the dismissal of the information filed in the Northern District of Illinois was res judicata.

On December 6, 1937, the claimant's motion to dismiss was denied. On July 1, 1938, the case came on for trial in the district court and judgment was entered for the Government. In pronouncing judgment for the Government the court handed down the following opinion:

O'Brien, *District Judge*. "The court finds that by a preponderance of the evidence the Government has sustained its case in every essential element. There is no question but that the articles libeled come into this jurisdiction in interstate commerce. In fact, I assume that is admitted."

Mr. Clarke. "That is not admitted, if the court please."

The Court. "Then I so find that that is established by a preponderance of the evidence. And as to each of the elements alleged in the libel that are necessary for the sustaining of the Government's case, I find that each has been sustained by a fair preponderance of the evidence.

"The only thing in the allegations in the libel that I want to comment on is paragraph 4 of the libel, which alleges that said products are misbranded in violation of section 8, of the Food and Drug Law, paragraph 3 as amended, in the case of the drugs, and the following statements appearing upon the carton of the product are statements regarding curative and therapeutic effects of the articles and are false and fraudulent in this, that the articles contain no ingredient or combination of ingredients capable of producing the effect claimed and that the same were applied to the said articles knowingly and in reckless and wanton disregard of their truth and falsity.

"Then follows the legend upon the carton, 'Of unequalled value in all stomach, intestinal, and blood disturbances, as a powerful blood purifier and tonic. For tonic effects on children it will certainly improve their appetite, make them strong and healthy.' I find that the Government has sustained the allegations in this paragraph that this was misbranding and that it did proclaim curative effect and therapeutic effect. In fact, I think that is the most dangerous and malignant type. The Food and Drugs Act was passed by the Congress of the United States regulating the use, advertising and consumption, and things of that character, which of course were visible to anyone who took them for the purposes indicated, and it was the purpose of that act to do away with the sale of dangerous nostrums and patent medicines.

"Then because of the act, the makers of these nostrums, such as this one in question here, engaged men more skillful in the use of the English language and they then prepared a sort of verbal Houdini act which evaded the spirit and the meaning of the law, and yet endeavored to purvey to the ignorant upon whom they preyed, the unsuspecting public, their nostrums, very often with fatal effect. I cannot conceive of any words more powerful than 'of unequalled value.' There is not any expression that I can think of that surpasses it in its all-embracing claim and promise, and instead of saying 'diseases of the stomach, intestinal and digestive tract, and blood diseases,' it says, 'disturbances,' a more euphonic expression. What can it be but a disease? It might mean cancer. It might mean ulcers of the stomach. It might mean the most virulent type of infection of the intestinal tract. It might mean a disease that called immediately for an emergency operation. That is a disturbance of the intestinal tract, as the doctor illustrated, as I had in mind while he was talking. I would say the only established use for the predominant drug in this concoction is as a cathartic. Even a layman knows that if a person with a case of appendicitis which called for immediate operative relief took such a

thing, the chances are certainly predominating that there would be a rupture and it is possible that there would be peritonitis, and with peritonitis the percentage of deaths is prevailing. So the broad and all-comprehensive nature of this language that includes every possible kind of disturbance, which means every conceivable kind of disease, the holding out to the public that there exists nothing in the world of equal value to this, I think is a misbranding that is malignant in its possible effect. It is certainly dangerous to the public and in direct violation of the act, the spirit of the act and the wording of the act. I find further that these words were used knowingly, with reckless and wanton disregard of their truth or falsity.

"For these reasons the Government must prevail in its libel, and the Government may take an order in harmony with the court's opinion.

"The motions of various kinds urged by the claimant for a verdict, every motion of the claimant on every ground advanced, is denied and the claimant given a general exception to the findings of the court, and an individual exception to each denial.

"The proposed findings of fact submitted by the Government are adopted by the court. The claimant may submit, for the purpose of the record, proposed findings of fact."

MR. CLARKE. "May I have an exception?"

THE COURT. "I have granted you an exception. You may have it again if you wish. I have granted you a general exception to the statements of the court and each individual statement of the court, and each motion denied."

MR. CLARKE. "If the court please, may I have the usual time for bill of exceptions?"

THE COURT. "Twenty and sixty days."

MR. CLARKE. "Also may the court order that the goods seized be not condemned?"

THE COURT. "They shall not be condemned. The Government shall preserve them until the time for appeal has expired."

MR. CLARKE. "I would like to have an order to make sure that the goods are kept and that the case is not academic. If the goods are not in existence, there is no use in quarreling about them."

MR. RAY. "We have the marshal's return. They are in his possession."

THE COURT. "He would not destroy them without an order of the court, and this court has made no such order."

MR. CLARKE. "They were destroyed in New York."

THE COURT. "You can confer with the Government about that."

The claimant filed an appeal to the Circuit Court of Appeals for the Sixth Circuit and on April 9, 1940, the circuit court entered the following order reversing the district court and remanding the case for a new trial:

SIMONS, *Circuit Judge*. "Upon appeal from a judgment rendered against the appellant for misbranding articles in violation of section 8 of the Pure Food and Drug Law, 21 U. S. C. A. 10.

"It appearing from the stipulation of facts that the articles sought to be condemned are the identical articles that formed the basis of an indictment against the appellant in the District Court of the United States for the Northern District of Illinois, eastern division, in which court the indictment was, upon demurrer, dismissed because showing on its face that the statements, designs, or devices alleged to have been borne by the packages were not statements of curative or therapeutic effect within the language of the statute, in consequence of which the indictment was held not to state an offense against the United States; and

"It being the view of the court that the decision in the District Court of Illinois is res judicata of present issues, the decision there being upon the merits with respect to the charge of misbranding.

"It is Hereby Ordered That the judgment below be and it is hereby reversed. *U. S. v. Oppenheimer*, 242 U. S. 85, 87; *U. S. v. Barber*, 219 U. S. 72; *Coffey v. U. S.*, 116 U. S. 436, 445. To the same effect is U. S. v. 119 Packages, etc., 15 Fed. Supp. 327 (D. C., N. Y.). The cause is remanded for new trial in conformity herewith."

On June 11, 1940, the case was reopened by mandate of the Circuit Court of Appeals. On September 25, 1940, a motion for judgment in conformation with the findings of the Circuit Court of Appeals was filed and judgment thereon was entered on October 29, 1940, dismissing the libel and ordering the return of the product to the claimant.

**31108. Misbranding of M–T–C Antiseptic Tablets. U. S. v. Ross O. Johnson and Ralph W. Firke (Concentrate Products Co.). Pleas of guilty. Each defendant fined $200 and sentenced to 3 months in jail. Jail sentences suspended and defendants both placed on probation for 2 years.** (F. & D. No. 38026. Sample No. 41425–B.)

The label of this veterinary product bore false and fraudulent curative and therapeutic claims.

On September 17, 1936, the United States attorney for the Eastern District of Illinois filed in the district court an information against Ross O. Johnson and Ralph W. Firke, copartners trading as Concentrate Products Co., Champaign, Ill., alleging shipment by said defendants in violation of the Food and Drugs Act as amended, on or about October 25, 1935, from the State of Illinois into the State of Minnesota of a quantity of M–T–C Antiseptic Tablets that were misbranded.

Analysis showed that the article consisted of mercury bichloride, citric acid, and a compound consisting of zinc, calcium, sodium, sulfur, and phenol.

The article was alleged to be misbranded in that certain statements regarding its therapeutic and curative effects, borne on the package labels and in the circulars, falsely and fraudulently represented that it was effective as an antiseptic treatment for diseases of poultry; effective to soothe and heal intestinal membranes inflamed and irritated as a result of worm invasion; effective as an antiseptic wash for disinfecting sores, lesions of roup and chickenpox; effective to remove false membranes and foreign matter; and effective as a treatment, remedy, and cure for swellings caused by colds and roup, and for coccidiosis.

On March 27 and July 29, 1940, the defendants entered pleas of guilty and were each sentenced to 3 months in jail and fined $200. The jail sentences were suspended and both defendants were placed on probation for 2 years.

**31109. Adulteration and misbranding of sodium perborate. U. S. v. Zenith Drug, Inc. Plea of guilty. Fine, $250.** (F. & D. No. 42793. Sample Nos. 27163–D, 59374–D, 60119–D.)

This case involved shipments of products that purported to be sodium perborate but which consisted of mixtures of sodium perborate, sodium bicarbonate, sodium chloride, and magnesium carbonate.

On June 10, 1940, the United States attorney for the District of New Jersey filed an information against Zenith Drug, Inc., Irvington, N. J., alleging shipment on or about October 4, 1938, and January 6, 1939, from the State of New Jersey into the State of New York of quantities of sodium perborate (flavored and plain) which were adulterated and misbranded.

The sodium perborate (flavored) was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that it was represented to consist of sodium perborate and flavoring substances; whereas it consisted of approximately 36.2 percent of sodium perborate, approximately 51.3 percent of sodium bicarbonate, approximately 5.1 percent of sodium chloride and approximately 1.2 percent of magnesium carbonate, together with saccharin, and flavored with oil of spearmint. It was alleged to be misbranded in that the statement "Sodium Perborate (Flavored)," borne on the label, was false and misleading since it did not consist of sodium perborate and flavoring.

The sodium perborate (plain) was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the tests laid down therein since it contained less than 9 percent, namely, not more than 3.30 percent of available oxygen, corresponding to not more than 31.7 percent of $NaBO_3.4H_2O$, whereas the United States Pharmacopoeia provides that sodium perborate shall contain not less than 9 percent of available oxygen, corresponding to about 86.5 percent of $NaBO_3.4H_2O$, and the standard of strength, quality, and purity of the article was not declared on the container. It was alleged to be adulterated further in that it was represented to consist of sodium perborate which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to the said standard. It was alleged to be misbranded in that the statement "Sodium Perborate U. S. P. XI," borne on the cans, was false and misleading since it was not sodium perborate U. S. P.

On June 17, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $250.

**31110. Misbranding of Valium. U. S. v. Clematis Laboratories, Inc., and Isadore Chaiklin. Pleas of guilty. Fines, $20.** (F. & D. No. 42587. Sample No. 13911-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims.

On November 7, 1938, the United States attorney for the District of Massachusetts filed an information against Clematis Laboratories, Inc., Waltham, Mass., and Isadore Chaiklin, alleging shipment by said defendants within the period from on or about November 20 to on or about December 7, 1937, from the State of Massachusetts into the State of Maine of a quantity of Valium which was misbranded.

Analysis showed that the article consisted of sugar-coated tablets of calcium sulfide.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to afford relief from the suffering caused by varicose veins, varicose ulcers, or hemorrhoids (piles), and to do so painlessly and safely; effective to improve the circulation of the blood and relieve pressure on the walls of the veins, to correct the conditions that are directly responsible for painful and unsightly varicose veins, to cure obstinate cases of hemorrhoids and that it was effective as an internal medication for varicose veins, varicose ulcers, and hemorrhoids.

On November 27, 1941, pleas of guilty having been entered on behalf of both defendants, they were each fined $10.

**31111. Adulteration and misbranding of Vitatonic. U. S. v. Edward S. Hidden. Tried to the court and jury. Verdict of guilty. Fine, $600.** (F. & D. No. 42694. Sample No. 26243-D.)

This product was labeled to indicate that it contained substantial amounts of vitamins $B_1$ and D; whereas it contained no demonstrable amounts of such vitamins. Its labeling also bore false and fraudulent curative and therapeutic claims and other misrepresentations.

On September 22, 1939, the United States attorney for the Southern District of New York filed an information against Edward S. Hidden, New York, N. Y., alleging shipment on or about July 20, 1938, from the State of New York into the State of New Jersey of a quantity of Vitatonic which was adulterated and misbranded. The article was labeled in part: (Bottle) "Vitatonic * * * Contains Vitamins The New Day Tonic * * * Prepared by Pharmacists Vitalex Vitamin Laboratories, New York, N. Y."

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold, since the statements (bottle label) "Contains Vitamins" and (circular) "Compounded with essential vitamins * * * Vitamin B * * * Vitamin D" represented that it contained vitamins $B_1$ and D in amounts sufficient to be of therapeutic importance; whereas it contained no demonstrable amounts of vitamin $B_1$ or of vitamin D.

It was alleged to be misbranded in that the statements (circular) "Vitatonic Vitamin * * * Vitatonic is the ideal food supplement * * * compounded with essential vitamins * * * Vitamin B * * * Vitamin D * * * The marvelous value of vitamins * * * Vitalex Vitamin Laboratories," (bottle) "Vitatonic * * * Contains Vitamins * * * Food Supplement * * * Vitalex Vitamin Laboratories * * * Alcohol 18%," were false and misleading since they represented that it was a food supplement, that it contained vitamin $B_1$ and vitamin D in amounts sufficient to be of therapeutic importance and that it contained 18 percent of alcohol; whereas it was a drug and not a food, it did not contain vitamin $B_1$ and vitamin D in amounts sufficient to be of therapeutic importance, since it contained no demonstrable amount of vitamin $B_1$ or vitamin D and it contained less than 18 percent of alcohol. It was alleged to be misbranded further in that certain statements regarding its therapeutic and curative effects appearing in the accompanying circular falsely and fraudulently represented that it was effective as a body builder for run-down people and weakened bodies; effective as a treatment for disorders of the kidneys, liver and stomach, pyorrhea and caries (decay) of the teeth, hip disease and malformation of the spinal column; effective as a nerve builder; effective to strengthen the stomach and kidneys, to improve health, to relieve pain, to help digestion and assimilation, to clear the complexion, to prevent the condition called polyneuritis, and to tone the system by

coordinating the functions of stomach, liver, kidneys and bowels; and effective as a "vitatonic," i. e., life tonic or vitamin tonic.

On September 5, 1940, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. Trial was concluded on September 9, 1940, on which day the jury returned a verdict of guilty on all counts. The court thereupon imposed a fine of $200 on each of the three counts of the information and also assessed costs.

**31112. Adulteration of elixir of phenolbarbital and misbranding of Elixir Clorabis. U. S. v. Syracuse Pharmacal Co., Inc. Plea of guilty. Fine, $200.** (F. & D. No. 42681. Sample Nos. 29729–D, 31386–D.)

This case involved elixir of phenobarbital which differed from the standard prescribed by the National Formulary and Elixir Clorabis which contained smaller proportions of ammonium bromide and alcohol than those declared on the label.

On September 11, 1939, the United States attorney for the Northern District of New York filed an information against the Syracuse Pharmacal Co., Inc., New York, N. Y., alleging shipment on or about December 14, 1937, and June 4, 1938, from the State of New York into the State of Pennsylvania of quantities of elixir of phenobarbital which was adulterated and of a quantity of Elixir Clorabis which was misbranded.

The elixir of phenobarbital was alleged to be adulterated in that it was sold under and by a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since each 100 cubic centimeters of the article contained less than 0.38 gram, namely, not more than 0.328 gram of phenobarbital; whereas the National Formulary provides that elixir of phenobarbital shall contain in each 100 cubic centimeters not less than 0.38 gram of phenobarbital, and the standard of strength, quality, and purity of the article was not declared on the label. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain in each fluid dram ¼ grain of phenobarbital; whereas each fluid dram of the article contained not more than 0.187 grain (less than ⅕ grain) of phenobarbital.

The Elixir Clorabis was alleged to be misbranded in that the statements, "Each eluid ounce represents: * * * Ammonium Bromide 8 grs." and "Alcohol 12%," borne on the bottle label, were false and misleading since they represented that each fluid ounce of the article contained not less than 8 grains of ammonium bromide and that the article contained not less than 12 percent of alcohol; whereas each fluid ounce contained less than 8 grains of ammonium bromide and the article contained less than 12 percent of alcohol. It was alleged to be misbranded further in that it contained alcohol, and the labels failed to bear a statement of the quantity or proportion of alcohol contained therein since the statement made on the labels was incorrect.

On April 2, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $200.

**31113. Misbranding of Blu-V-Spray. U. S. v. Tim Lake Laboratories, Inc. Plea of guilty. Fine, $10 and costs.** (F. & D. No. 42791. Sample No. 37245–D.)

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic effectiveness.

On January 12, 1940, the United States attorney for the Southern District of Iowa filed an information against Tim Lake Laboratories, Inc., Des Moines, Iowa, alleging shipment by said company on or about May 12, 1939, from the State of Iowa into the State of Nebraska of quantities of Blu–V–Spray which was misbranded.

Analysis showed that the article consisted essentially of small proportions of volatile oils (including menthol, thymol, eucalyptol, and methyl salicylate) formaldehyde, salicylic acid, and water.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for bronchitis, gapes, colds, pneumonia, diphtheria, intestinal flu, and other infectious poultry ailments of the throat, head, and respiratory organs.

On March 30, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $10 and costs.

**31114. Adulteration and misbranding of tartaric acid. U. S. v. American Cyanamid & Chemical Corporation. Judgment of guilty. Fine, $1.** (F. & D. No. 42737. Sample No. 41668–E.)

The product involved in this action consisted of tartar emetic which had been shipped in response to an order for tartaric acid and which had been invoiced as tartaric acid.

On February 13, 1940, the United States attorney for the Eastern District of New York filed an information against the American Cyanamid & Chemical Corporation, having a place of business at Brooklyn, N. Y., alleging shipment in violation of the Food and Drugs Act on or about October 20, 1938, from the State of New York into the State of Pennsylvania of a quantity of a product invoiced as tartaric acid which was adulterated and misbranded. The article was labeled in part: (Reverse of tag) "Tartaric Acid U. S. P. Powdered"; (stenciled on container) "Tartar Emetic."

It was alleged to be adulterated in that its strength and purity fell below the professed standard or quality under which it was sold, since it was invoiced as "Tartaric Acid U. S. P.," a nonpoisonous substance; whereas it consisted of tartar emetic, a poisonous substance. It was alleged to be misbranded in that it consisted of tartar emetic, a poisonous substance, and was offered for sale and sold under the name of another article, namely, "Tartaric Acid U. S. P.," a nonpoisonous substance.

On March 25, 1940, the case having been submitted to the court without a jury on an agreed statement of facts, the court entered the following judgment:

INCH, *Judge*. "The criminal information herein for violation of the Food and Drug Act was duly filed February 13, 1940. At the trial the Government and defendant agreed on the facts. These have been duly stipulated and submitted in evidence. The only question remaining is one of law. It is clear that, at the most, this was merely a technical violation. It is agreed that it was due solely to the error of one of the shipping clerks in the employ of the defendant. Inasmuch as the defendant is responsible for the action of such clerk and the question of intention to violate the law is immaterial, and not an element of the offense, there seems to be no doubt but that a violation took place but it was one for which liability results solely because of the above plain and unusual mistake. I accordingly find the defendant guilty, but impose a nominal fine of $1.00."

**31115. Adulteration and misbranding of solution of ephedrine sulfate and ephedrine sulfate capsules. U. S. v. Premo Pharmaceutical Laboratories, Inc. Plea of guilty. Fine, $400.** (F. & D. No. 42741. Sample Nos. 12448–D, 12609–D.)

Psuedoephedrine had been substituted in large part for ephedrine in the solution and capsules involved in this case.

On October 14, 1940, the United States attorney for the Southern District of New York filed an information against the Premo Pharmaceutical Laboratories, Inc., New York, N. Y., alleging shipment by said company on or about January 17 and May 6, 1938. from the State of New York into the States of Connecticut and New Jersey of quantities of ephedrine sulfate solution and of ephedrine sulfate capsules which were adulterated and misbranded.

The solution was alleged to be adulterated in that it was sold under a name recognized in the National Formulary but differed from the standard of strength, quality, and purity as determined by the tests laid down therein since its specific rotation at 25° centigrade was plus 22.6°; whereas the National Formulary provides that the specific rotation of solution of ephedrine sulfate at 25° centigrade shall be between minus 28° and minus 30° and the standard of strength, quality, or purity of the article was not declared on the container. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold since it was represented to consist of solution of ephedrine sulfate; whereas psuedoephedrine sulfate had been substituted in whole or in large part for ephedrine sulfate in the solution. The solution was alleged to be misbranded in that the statement "Solution * * * Ephedrine Sulfate N. F. VI," borne on the bottle label, was false and misleading since it was not a solution of ephedrine sulfate which conformed to the requirements of the National Formulary, 6th edition.

The capsules were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to consist of capsules each containing ⅜ grain (0.025 gram) of ephedrine sulfate; whereas they did not so consist but did consist of

capsules, each containing approximately ⅛ grain (0.008 gram) of ephedrine sulfate and approximately ¼ grain (0.017 gram) of pseudoephedrine sulfate and inert materials. They were alleged to be misbranded in that the statements, (carton) "Ephedrine Sulphate * * * Capsules * * * ⅜ Grain (0.025 gm.)" and (bottle) "Capsules Ephedrine Sulfate * * * ⅜ Grain (0.025 gm.)," were false and misleading since they represented that the article consisted of capsules each containing ⅜ grain (0.025 gram) of ephedrine sulfate and no other substances possessing physiologically active properties; whereas they consisted of capsules containing approximately ⅛ grain (0.008 gram) of ephedrine sulfate, ¼ grain (0.017 gram) of pseudoephedrine sulfate (a physiologically active substance), and inert material. They were alleged to be misbranded further in that capsules containing ephedrine sulfate and pseudoephedrine sulfate prepared in imitation of capsules containing ephedrine sulfate had been offered for sale under the name of another article.

On October 22, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $400.

**31116. Adulteration and misbranding of Bad–Ex Salts. U. S. v. Dr. Frederick M. Lawrence (American Laboratories). Plea of guilty. Fine, $50.** (F. & D. No. 42739. Sample Nos. 34931–D, 38817–D, 58508–D, 59646–D.)

The purity of this article fell below the professed standard under which it was sold since it was represented to contain tartaric acid; whereas it contained no tartaric acid but did contain tartar emetic, a toxic substance.

On November 21, 1939, the United States attorney for the Middle District of Pennsylvania filed in the district court an information against Dr. Frederick M. Lawrence, trading as the American Laboratories at Carlisle, Pa., alleging shipment by said defendant in violation of the Food and Drugs Act, within the period from on or about November 5 to on or about December 10, 1938, from the State of Pennsylvania into the States of Maryland, Missouri, Ohio, and New York, of quantities of Bad-Ex Salts which was adulterated and misbranded.

The article was alleged to be adulterated in that its purity fell below the professed standard and quality under which it was sold, since it was represented to consist of sodium sulfate, sodium bicarbonate, and sodium chloride with the fruit acid of grapes, namely, tartaric acid; whereas it did not so consist since it contained no tartaric acid, but did contain tartar emetic.

Misbranding was alleged in that the statements, (wrapper) "The Alkaline Saline Containing Sodium Sulphate, Sodium Bicarbonate and Sodium Chloride (salts which also constitute the active agents of many of the celebrated mineral springs of Europe) and the Fruit Acid of Grapes. Bad-Ex Salts dissolved in water produces a sparkling effervescent alkaline solution which possesses marked Antacid and Laxative Properties," and (bottle) "Bad-Ex Salts Contains Sodium Sulphate, Sodium Bicarbonate and Sodium Chloride (salts which also constitute the active agents of many of the celebrated mineral springs of Europe) with the Fruit Acid of Grapes," were false and misleading in that they represented that the article consisted of sodium sulfate, sodium bicarbonate, sodium chloride, and the fruit acid of grapes, namely, tartaric acid, and that when dissolved in water it would produce a harmless, sparkling, effervescent, alkaline solution which possessed marked antacid and laxative properties; whereas it contained no tartaric acid, but did contain tartar emetic, and when dissolved in water would not produce a harmless, sparkling, effervescent alkaline solution with antacid and laxative properties, since it possessed toxic properties.

The article was also charged to be misbranded in violation of the Federal Food, Drug, and Cosmetic Act, reported in notice of judgment No. 152 published under that act.

On December 4, 1939, the defendant entered a plea of guilty and the court imposed a fine of $50.

**31117. Misbranding of G. D. Cleaning Powder. U. S. v. Kemiko Manufacturing Co. Plea of guilty. Fine, $100.** (F. & D. No. 42667. Sample Nos. 62578–C, 29746–D.)

The labeling of this veterinary product bore false and fraudulent representations regarding its curative and therapeutic properties.

On June 2, 1939, the United States attorney for the District of New Jersey filed in the district court an information against the Kemiko Manufacturing Co., a corporation, Irvington, N. J., alleging shipment in interstate commerce on or about February 9, 1937, and February 9, 1938, from the State of New Jersey into the State of New York (one lot subsequently transported by the consignee to the

State of Pennsylvania) of quantities of G. D. Cleaning Powder that was misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that one shipment of the article consisted of trisodium phosphate (38.016 percent), fatty rosin soap, and small amounts of sodium fluoride, sodium carbonate, and sodium chloride; and that the other shipment consisted of trisodium phosphate, soap, and sodium carbonate.

The article was alleged to be misbranded in that the statements, designs, and devices regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a health protection for dogs, cats, and pets, and that it was effective in the treatment, remedy, and cure of distemper in dogs, cats, and pets.

This article also was alleged to be misbranded under the Insecticide Act of 1910, as reported in notices of judgment published under that act.

On February 1, 1940, a plea of guilty was entered and a fine of $100 was imposed for violation of both acts.

**31118. Adulteration of strychnine sulfate tablets, sodium salicylate tablets, fluidextract of ipecac, four chlorides elixir, and tincture of belladonna leaves; adulteration and misbranding of hydrangea compound lithiated. U. S. v. Flint, Eaton & Co. Plea of nolo contendere. Fine, $175.** (F. & D. No. 31333. Sample Nos. 15604–A, 17038–A, 17041–A, 17046–A, 17050–A, 17107–A.)

The strychnine sulfate tablets, sodium salicylate tablets, and hydrangea compound lithiated fell below the standard declared on their labels; and the fluidextract of ipecac, four chlorides elixir, and tincture of belladona leaves differed from the standard prescribed in the United States Pharmacopoeia or the National Formulary.

On February 26, 1934, the United States attorney for the Southern District of Illinois filed an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment on or about June 4, August 22, and August 23, 1932, from the State of Illinois into the States of Iowa and Missouri of quantities of the above-named pharmaceuticals which were adulterated and one of which was also misbranded.

The strychnine sulfate tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each of the tablets was represented to contain 1/60 grain of strychnine sulfate; whereas each of the tablets contained strychnine sulfate in excess of the amount declared, namely, 0.0197 grain (1/50 grain) of strychnine sulfate.

The sodium salicylate tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 5 grains of sodium salicylate; whereas each tablet contained less than so represented, namely, not more than 4.02 grains of sodium salicylate.

The hydrangea compound lithiated was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid dram of the article was represented to contain 4 grains of lithium salicylate; whereas each fluid dram thereof contained more than so represented, namely not less than 4.94 grains of lithium salicylate. It was alleged to be misbranded in that the statement "Each fluid dram contains * * * Lith. Salicylate 4 grains," borne on the bottle label, was false and misleading.

The fluidextract of ipecac was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation since it yielded less than 1.35 grams, namely, not more than 0.78 gram of the ether-soluble alkaloids of ipecac per 100 cubic centimeters; whereas the pharmacopoeia provides that fluidextract of ipecac shall yield not less than 1.35 grams of the ether-soluble alkaloids of ipecac per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not contained in the labeling thereof.

The four chlorides elixir was alleged to be adulterated in that it was sold under a name recognized in the National Formulary, but differed from the standard of strength, quality, and purity as determined by the test laid down in the Formulary official at the time of investigation since it contained in each 1,000 cubic centimeters more than 16.5 cubic centimeters, namely, not less than 26 cubic centimeters, of arsenous acid; whereas the National Formulary

provides that elixir of four chlorides shall contain not more than 16.5 cubic centimeters of arsenous acid in each 1,000 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on its label. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that each fluid ounce was represented to contain ⅛ grain of arsenic chloride; whereas each fluid ounce contained more than so represented, namely, not less than ⅛ grain of arsenic chloride.

The tincture of belladonna leaves was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia, but differed from the standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia official at the time of investigation since it yielded less than 0.027 gram, namely, not more than 0.0198 gram of the alkaloids of belladonna leaves per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of belladonna yields not less than 0.027 gram of the alkaloids of belladonna leaves per 100 cubic centimeters; and the standard of strength, quality, and purity of the article was not declared on the container thereof. It was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to be tincture of belladonna leaves which conformed to the standard laid down in such compendium; whereas it did not conform to such standard.

On June 28, 1940, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $25 on each count in lieu of fine and costs, the total fine amounting to $175.

**31119. Adulteration and misbranding of cod-liver oil. U. S. v. McKesson & Robbins, Inc. Plea of guilty. Fine, $50.** (F. & D. No. 42778. Sample No. 39911–D.)

This case involved a shipment of cod-liver oil which contained a smaller amount of vitamin D than that declared on the label.

On November 24, 1939, the United States attorney for the District of Oregon filed an information against McKesson & Robbins, Inc., trading at Portland, Oreg., alleging shipment within the period from on or about January 18 to on or about October 31, 1938, from the State of Oregon into the State of Washington of a quantity of cod-liver oil which was adulterated and misbranded. The article was labeled in part: "Purola Guaranteed Quality Norwegian Cod Liver Oil * * * Blumauer-Frank Drug Company, Portland, Oregon."

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was represented to contain 150 vitamin D units U.S.P.X per gram; whereas it contained less than so represented, namely, not more than 110 vitamin D units U.S.P.X per gram.

It was alleged to be misbranded in that the statements "Biologically Tested Standardized Certified Content 700 Units Vitamin 'A' U.S.P.X 1934 and 150 Vitamin 'D' Units U.S.P.X 1934 per gram," borne on the label, were false and misleading since they represented that it had been biologically tested and standardized to contain 150 vitamin D units U.S.P.X per gram; whereas it had not been biologically tested and standardized since it contained less than 150 vitamin D units U.S.P.X per gram.

On March 19, 1940, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $50.

**31120. Adulteration and misbranding of desiccated thyroid substance. U. S. v. Pitman-Moore Co. Plea of guilty. Fine, $25.** (F. & D. No. 33893. Sample Nos. 52397–A, 52399–A, 52400–A.)

This case involved two lots of thyroid substance which contained desiccated thyroid in excess of the amount declared; and one lot of thyroid substance which contained iodine in thyroid combination in excess of the amount prescribed by the United States Pharmacopoeia.

On January 14, 1935, the United States attorney for the Southern District of Indiana filed an information against the Pitman-Moore Co., a corporation, Indianapolis, Ind., alleging shipment on or about January 15 and 22, 1934, from the State of Indiana into the State of Missouri of desiccated thyroid substance of which all three lots were misbranded and one was also adulterated.

One lot was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia but differed from the

standard of strength, quality, and purity as determined by the test laid down in the pharmacopoeia, since it contained more than 0.23 percent, namely, not less than 0.40 percent of iodine in thyroid combination; whereas the pharmacopoeia provides that thyroid shall contain not less than 0.17 percent and not more than 0.23 percent of iodine in thyroid combination, and the standard of strength, quality, and purity of the article was not declared on the container. This lot was also alleged to be misbranded in that the statement, "Thyroid Substance (Desiccated) * * * contains .2 percent. Iodine in thyroid combination," borne on the bottle label, was false and misleading, since it represented that the article contained 0.2 percent of iodine in thyroid combination; whereas it contained more than 0.2 percent of iodine in thyroid combination.

The remaining lots of the product were alleged to be misbranded in that the statement "Tablets Thyroid Substance (Desiccated) 2 Grs.," with respect to one lot, and the statement "Tablets Thyroid Substance (Desiccated) 1 Gr.," with respect to the remaining lot, were false and misleading since they represented that each of the tablets contained 2 grains or 1 grain of desiccated thyroid; whereas each of the tablets contained more desiccated thyroid than so represented, namely, the tablets labeled "2 Grs." contained not less than 3.23 grains of desiccated thyroid and those labeled "1 Gr." contained not less than 1.27 grains of desiccated thyroid.

On October 31, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $25.

**31121. Adulteration and misbranding of Neo-Sulfanil Tablets and Sulphomal Tablets. U. S. v. Van Pelt & Brown, Inc. Plea of guilty. Fine, $100.** (F. & D. No. 42627. Sample Nos. 16294–D, 17211–D, 34370–D.)

The Neo-Sulfanil Tablets contained less sulfanilamide than the amount declared on the label. One lot of the Sulphomal Tablets contained a smaller quantity of colloidal sulfur, and the other a larger quantity of diallymalonalurea, than declared on the label.

On September 26, 1940, the United States attorney for the Eastern District of Virginia filed an information against Van Pelt & Brown, Inc., Richmond, Va., alleging shipment on or about January 10, February 14, and November 2, 1938, from the State of Virginia into the State of Alabama and the District of Columbia of quantities of Neo-Sulfanil Tablets and Sulphomal Tablets which were adulterated and misbranded and one lot of Sulphomal Tablets which were misbranded.

The Neo-Sulfanil Tablets were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 5 grains of sulfanilamide; whereas each tablet contained not more than 4.26 grains. They were alleged to be misbranded in that the statement "Each Tablet Contains Sulfanilamide 5 grs.," borne on the bottle label, was false and misleading.

One lot of the Sulphomal Tablets was alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each tablet was represented to contain 2 grains of colloidal sulfur; whereas each tablet contained not more than 1.366 grains of colloidal sulfur. They were alleged to be misbranded in that the statement "Each Tablet Contains * * * Colloidal Sulphur 2 Grs.," borne on the bottle label, was false and misleading. The remaining lot of the Sulphomal Tablets was alleged to be misbranded in that the statement "Each Tablet Contains Diallymalonalurea ¼ Gr.," borne on the label, was false and misleading since each of the tablets contained more than ¼ grain, namely, not less than 0.292 grain (3/10 grain) of diallymalonalurea.

On April 21, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $100.

**31122. Adulteration of paregoric and carbolic acid ointment; misbranding of Kobros Tablets, Apostol Herb Tea, Balsam for Lungs, Saxon Blackberry Cordial Compound, and Johnston's American Oil. U. S. v. Royal Manufacturing Co. of Duquesne, and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Fine, $400 and costs.** (F. & D. No. 42688. Sample Nos. 8373–D, 8375–D, 8378–D, 8379–D, 8380–D, 12425–D, 12764–D, 61705–D.)

This case involved one lot of paregoric which contained anhydrous morphine in excess of the amount prescribed in the United States Pharmacopoeia, carbolic acid ointment which contained less phenol than the amount declared on the label, Johnston's American Oil which was short of the declared volume; and Kobros Tablets, Apostol Herb Tea, Balsam for Lungs, and Blackberry Cordial Compound the labels of which bore false and fraudulent therapeutic claims.

On July 6, 1939, the United States attorney for the Western District of Pennsylvania filed an information against the Royal Manufacturing Co. of Duquesne, a corporation, Duquesne, Pa., and Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment by said defendants in violation of the Food and Drugs Act within the period from on or about January 30, 1937, to on or about February 23, 1938, from the State of Pennsylvania into the States of Illinois and New York of quantities of the above-named drugs which were adulterated or misbranded.

Analyses showed that the Kobros Tablets contained approximately 5 grains of aspirin; that the Apostol Herb Tea consisted essentially of plant material including coriander seed, senna leaves, licorice root, uva ursi, and cascara bark; that the Balsam for Lungs (2 samples) consisted essentially of extracts of plant drugs including wild cherry, small proportions of menthol and pine tar, chloroform (1 sample contained 1.3 minims, the other 0.69 minim per fluid ounce), alcohol (1 sample contained 4.7 percent, the other 5.7 percent by volume), sugar, and water; and that the Blackberry Cordial Compound consisted essentially of water, sugar, glycerin, alcohol, with small proportions of salicylic acid and extracts of plant materials including ginger.

The paregoric was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein, since each 100 cubic centimeters contained more than 0.045 gram, namely, not less than 0.0479 gram of anhydrous morphine; whereas the pharmacopoeia provides that paregoric shall contain in each 100 cubic centimeters not more than 0.045 gram of anhydrous morphine, and the standard of strength, quality, and purity of the article was not declared on the container thereof.

The carbolic acid ointment was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, since it was represented to contain 3 percent of phenol; whereas it contained not more than 2.5 percent.

Johnston's American Oil was alleged to be misbranded in that the statement "16 Fluid Ounces," borne on the bottle label, was false and misleading, since each of the bottles did not contain 16 fluid ounces but did contain a smaller amount.

The Kobros Tablets were alleged to be misbranded in that certain statements in the labeling regarding their therapeutic and curative effects falsely and fraudulently represented that they were effective for the relief and treatment of pains and aches, rheumatism, grippe, backache, pressure in head, nervousness, various pains caused by sickness, long standing or lasting and severe pains, pains in the side or back, and pains which accompany rheumatism, sciatica, lumbago, brain fatigue, sour stomach, nervous exhaustion or similar pains, stiffness in the back joints, and many pains peculiar to women; effective to bring relief and do away with a great many pains in a short time; effective to bring relief to those debilitated and weak on account of serious illness; effective to protect from attacks of pain; effective as a treatment, remedy, and cure for head cramps, lumbago, sciatica, gout, rheumatism, earache, toothache, trauma, dullness, dizziness, sleeplessness, insomnia, swelling or other similar pains; effective to alleviate persistent pains and chronic suffering; and effective for all sorts of headaches, including the worst and severest headaches.

The Apostol Herb Tea was alleged to be misbranded in that certain statements in the labeling falsely and fraudulently represented that it was effective as a treatment, remedy, or cure for dyspepsia, indigestion, biliousness, rheumatism, sick headache, certain stomach, liver, and kidney ailments, gastric debility, hemorrhoids, chronic diseases, dropsy, tumors, cancer, all blood disorders, digestive disturbances, headaches, dizziness, blood diseases, eczema, and blood, stomach, liver, kidney, and intestinal troubles; effective to purify the blood and the complexion; effective to produce a healthy appetite, to stimulate the flow of bile, to aid the intestines and liver to healthful activity, to strengthen the entire system and to assure peaceful sleep; and effective to cleanse the blood of waste and unclean material.

The Balsam for Lungs was alleged to be misbranded in that statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for affections of the lungs and throat, coughs of all kinds, hoarseness, affections of the respiratory passages such as whooping cough and bronchitis, lung and chest sickness, sore throat, asthma, and other troubles connected with the breathing apparatus.

The Saxon Blackberry Cordial was alleged to be misbranded in that certain statements in the labeling regarding its curative effects falsely and fraudulently represented that it was effective as a treatment, remedy, or cure for diarrhea, summer complaint, cholera morbus, cramps, colic, and similar complaints.

On April 22, 1940, pleas of nolo contendere having been entered, the court sentenced each of the four defendants to pay a fine of $100 and costs.

**31123. Misbranding of loose, pressed herbs. U. S. v. Allaire, Woodward & Co. Plea of nolo contendere. Fine, $180 and costs.** (F. & D. No. 42624. Sample Nos. 24504–D, 24505–D, 24506–D, 27625–D, 27646–D, 27648–D to 27660–D, incl.)

The labeling of these herbs bore false and fraudulent representations regarding their therapeutic and curative effects.

On February 27, 1939, the United States attorney for the Southern District of Illinois filed an information against Allaire, Woodward & Co., a corporation, Peoria, Ill., alleging shipment within the period from on or about September 24, 1937, to on or about April 1, 1938, from the State of Illinois into the State of Missouri of quantities of herbs that were misbranded. The articles were labeled in part variously: "Loose Pressed Comfrey Root," "Black Haw Bark of Root," "Prince's Pine Herb," "Lobelia Herb," "Golden Seal Root," "Catnep Herb," "Wahoo Bark of Root," "Clover Blossoms-Red," "Chestnut Leaves," "Burdock Root," "Buchu," "Hoarhound," "Cohosh Root-Black," "Tansy," "Oak Bark-White," "Oak Bark-Red," "Linden Flowers," and "Elder Flowers."

Examination of samples of the herbs showed that they were properly labeled as to their identity.

The various herbs were alleged to be misbranded in that certain statements regarding their therapeutic and curative effects, borne on their respective labels, falsely and fraudulently represented that the comfrey root was effective as a treatment of pulmonary complaints and affections, such as ulcers; that the black haw bark of root was effective as a treatment for dysmenorrhea, afterpains and other uterine disorders; that the prince's pine herb was effective as a treatment for rheumatism, scrofula, chronic rheumatism, and cutaneous diseases; that the lobelia herb was effective as a treatment for asthmatic affections, croup, and bronchial affections; that the golden seal root was effective as a tonic and antiseptic and as a treatment for dyspepsia, jaundice, and piles and as an alterative in catarrh; that the catnep herb was effective as a tonic and as a treatment for colic in children and as an emmenagogue in amenorrhea and dysmenorrhea; that the wahoo bark of root was effective as a tonic and as a treatment for dropsy; that the red clover blossoms were effective as an alterative and treatment for whooping cough; that the chestnut leaves were effective as a treatment for whooping cough; that the burdock root was effective as a treatment for scrofulous and venereal affections; that the buchu was effective as a treatment for diseases of the urinary organs; that the hoarhound was effective as a tonic and as a treatment for asthma; that the black cohosh root was effective as a treatment for chronic rheumatism, neuralgia, and dysmenorrhea; that the tansy was effective as a treatment for intermittent hysteria and amenorrhea; that the white and red oak barks were effective in the treatment of diarrhea, leucorrhea and flabby ulcers; that the linden flowers were effective to relieve hysteria and indigestion; and that the elder flowers were effective as an alterative and as a treatment of scrofula and cutaneous diseases; whereas the said herbs would not be effective for such purposes.

On March 10, 1941, a plea of nolo contendere was entered on behalf of the defendant and the court imposed a fine of $180 and costs.

**31124. Misbranding of Numocu. U. S. v. Michael F. O'Toole (Numocu Laboratory). Tried to a jury. Verdict of guilty. Imposition of sentence suspended and defendant placed on probation for 3 years. Suspended sentence revoked and defendant fined $50 and costs.** (F. & D. No. 42508. Sample No. 8386–D.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapeutic effects.

On April 3, 1939, the United States attorney for the District of Maryland filed a libel against Michael F. O'Toole, trading as the Numocu Laboratory at Emmitsburg, Md., alleging shipment by said defendant on or about January 22, 1938, from the State of Maryland into the State of Illinois of a quantity of Numocu which was misbranded.

Analysis showed that the article was composed of volatile material including eucalyptol, camphor, turpentine, and pine oils; and also nonvolatile pine oils and resins (rosin), and calomel.

The article was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to cure the most severe cases of pneumonia or throat or lung disorders, and would be helpful in the treatment of consumption; that it would be effective to free the respiratory tubes of mucus and phlegm, to remove from the respiratory tubes obstructions from the passage of the air from the lungs when affected by pneumonia or tubercular consumption, to reduce the percentage of mortality from pneumonia and tubercular consumption, and would be effective to cure asthma, bronchial trouble, croup, congestion in the throat, and pneumonia; that it would be effective to "save from death," to cure asthma on one application, and to perform wonders in the treatment of bronchial asthma; and that it would excel all remedies for disorders of throat and lungs.

On April 8, 1940, the defendant having entered a plea of not guilty, the case came on for trial before a jury, which after due deliberation returned a verdict of guilty. The court thereupon ordered imposition of sentence suspended and placed the defendant on probation for a period of 3 years. On March 18, 1941, the defendant was arrested on a charge of violation of the terms of his probation and after a hearing the suspended sentence was revoked and the court imposed a fine of $50 and costs.

**31125. Adulteration and misbranding of Sulfotone Tablets and Sulfotone Compound Tablets. U. S. v. Wm. P. Poythress & Co., Inc. Tried to the court. Judgment of guilty. Fine, $50.** (F. & D. No. 42632. Sample Nos. 9101-D, 17369-D, 37692-D, 48072-D, 78074-D, 54639-C.)

These tablets contained a smaller amount of sulfur than that declared on the labels.

On January 23, 1939, the United States attorney for the Eastern District of Virginia filed an information against Wm. P. Poythress & Co., Inc., Richmond, Va., alleging shipment within the period from on or about January 25, 1937, to on or about June 15, 1938, from the State of Virginia into the States of New Hampshire, Maryland, Louisiana, and Mississippi of quantities of Sulfotone Tablets and Sulfotone Compound Tablets which were adulterated and misbranded.

The articles were alleged to be adulterated in that their strength fell below the professed standard and quality under which they were sold, in that each of the tablets was represented to contain 1 grain of colloidal sulfur; whereas they contained less than 1 grain of colloidal sulfur, the tablets in the various shipments having been found to contain from 0.32 to 0.39 grain each of sulfur in colloidal or any other form.

They were alleged to be misbranded in that the statements, "Tablets * * * Sulphur-Phenobarbital Grs. 1¼ Phenobarbital, grains ¼ synergized with Poythress colloidal sulfur," with respect to the Sulfotone Tablets, and the statement "Tablets * * * Colloidal Sulphur * * * gr. 1" with respect to the Sulfotone Compound Tablets, borne on the bottle labels, were false and misleading since they represented that each tablet contained 1 grain of colloidal sulfur; whereas each tablet contained less than 1 grain of sulfur in colloidal or any other form.

On October 17, 1940, the case having come on for trial before the court and evidence having been adduced and arguments of counsel heard, the court entered judgment finding the defendant guilty and imposed a fine of $50 on all counts.

**31126. Misbranding of Sulpho-Lythin preparations. U. S. v. 2 Bottles of Sulpho-Lythin (and 5 other seizure actions involving Sulpho-Lythin preparations). Default decrees of condemnation and destruction.** (F. & D. Nos. 44298 to 44303, incl. Sample Nos. 13513-E to 13516-E, incl., 29110-D, 29170-D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims and false and misleading representations regarding their composition.

On December 2, 1938, the United States attorney for the Northern District of Georgia filed libels against 31 bottles of Sulpho-Lythin (powder), 5 bottles of Sulpho-Lythin (liquid), 4 bottles of Sulpho-Lythin with Salicylate of Strontium, and 5 bottles of Sulpho-Lythin with Hexamethylenamine, at Atlanta, Ga., alleging that the articles had been shipped in interstate commerce within the period from on or about May 7 to on or about October 12, 1938, by the Laine Chemical Corporation from Long Island City, N. Y.; and charging that they were misbranded in violation of the Food and Drugs Act as amended.

Analyses showed that the Sulpho-Lythin powder consisted essentially of sodium phosphate and sodium thiosulfate with relatively small proportions of sodium sulfate, sodium chloride, and a lithium compound; and that the Sulpho-Lythin liquid consisted essentially of sodium thiosulfate and water with relatively small proportions of sodium phosphate, sodium sulfate, sodium chloride, and a lithium compound.

Both products were alleged to be misbranded in that the designation "Sulpho-Lythin" was false and misleading as applied to an article of the composition of these products. They were alleged to be misbranded further in that the following statements appearing in the labeling regarding their curative or therapeutic effects were false and fraudulent: "Hepatic Stimulant Intestinal Antiseptic and Uric Acid Eliminant * * * Sulpho-Lythin is indicated in hepatic torpor, and all conditions arising from a functionally inactive or deranged liver such as Acid Toxemia, Auto Intoxication and Uric-Acid Excess. In correcting intestinal fermentation and eliminating toxins from the intestinal tract, it can be used instead of Calomel and is free from injurious action even if taken for extended periods. The continuous use of Sulpho-Lythin will keep the secretions of the mouth normally protective in uric acid conditions. * * * decidedly increases the action of the sluggish liver and kidneys. * * * There will be no bowel action following its administration until the liver responds." The Sulpho-Lythin liquid was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, "Sulpho-Lythin," since its composition was materially different from that of the product designated "Sulpho-Lythin."

Analysis showed that the Sulpho-Lythin with salicylate of strontium consisted essentially of strontium salicylate, sodium phosphate, sodium thiosulfate and relatively small proportions of sodium sulfate, sodium chloride, and a trace of a lithium compound. It was alleged to be misbranded in that the designation "Sulpho-Lythin with Salicylate of Strontium" was false and misleading as applied to a product of the composition of this article. It was alleged to be misbranded further in that the following statements in the labeling regarding its curative and therapeutic effects were false and fraudulent: "Acute or Chronic Rheumatic and Gouty Affections and conditions arising from Uric Acid Excess or Auto-toxemia. * * * Influenza, Grippe, Tonsillitis, Bronchial Catarrh and all Catarrhal affections that may be caused by or influenced by autointoxication. * * * In acute conditions two tablets may be given every hour (taken as a pill) until the symptoms subside, and the diet should be restricted. Then two to four tablets may be given twice or three times a day and continued as long as required. In chronic conditions, two to four tablets may be given twice or three times a day, half an hour before meals."

Analysis showed that the Sulpho-Lythin with hexamethylenamine consisted essentially of hexamethylenamine, sodium phosphate, sodium thiosulfate, and relatively small proportions of sodium sulfate, sodium chloride, and a lithium compound. It was alleged to be misbranded in that the statement "Sulpho-Lythin with Hexamethylenamine" was false and misleading as applied to a product of the composition of this article. It was alleged to be misbranded further in that the following statements regarding its curative or therapeutic effects, appearing in the labeling, were false and fraudulent: "Urinary and Biliary Antiseptic, Hepatic Stimulant and Intestinal Antiseptic. * * * (Biliary, Urinary and Intestinal Antiseptic.) Effective in arresting, preventing and counteracting bacterial invasion of the gall bladder. Hence it is indicated in Cholangitis, Cholecystitis and Cholelithiasis. Effective in the Acute or Chronic Inflammation of the Urinary tract, including Bladder and Kidneys. Effective in Typhoid Fever and in other conditions requiring an intestinal antiseptic."

On January 28, 1941, the Laine Chemical Corporation, claimant, having withdrawn its claim and answer, judgments of condemnation were entered and the products were ordered destroyed.

**31127. Misbranding of Luseaux Germicidal Mist. U. S. v. 9 Gallon Bottles and 15 Quart Bottles of Luseaux Germicidal Mist. Default decree of condemnation and destruction.** (F. & D. No. 45476. Sample No. 57070–D.)

The labeling of this veterinary product bore false and fraudulent curative and therapeutic representations.

On June 10, 1939, the United States attorney for the Western District of Washington filed a libel against 9 gallon bottles and 15 quart bottles of Luseaux Germicidal Mist at Bothell, Wash., alleging that the article had been shipped

in interstate commerce on or about June 28, 1938, by the Luseaux Laboratories from Gardena, Calif.; and charging that it was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of mineral oil, a small amount of phenols, pine oil, and an essential oil.

The article was alleged to be misbranded in that the following statements on the label regarding its curative or therapeutic effects were false and fraudulent: "Germicidal Mist * * * This Mist is beneficial when properly and promptly used for Colds, Roup, and all Respiratory troubles in Poultry of all ages and for Snuffles in Rabbits. * * * Dry, dusty feed must be avoided in bronchial and nasal troubles, as well as dusty litter and yards. * * * It is necessary to reach the affected parts in each case before relief can be expected. Therefore, bad cases must be treated individually with the swab, atomizer or other means to convey the Mist to the congested parts. The ingredients used in this product have long been used in the treatment of bronchial and nasal troubles and we urgently insist on persistent treatment in bad cases and diligent preventive measures for flock protection. A stitch in time saves dollars and birds for the poultryman. * * * For swollen, watery eyes in chickens, turkeys and pigeons use a gun throwing a fine mist directly into their face while birds are on roost. * * * For bronchial trouble or difficult breathing use atomizer, forcing a mist down the throat and into the windpipe or with medicine tube or dropper place 2 to 5 drops directly into the windpipe. For cankers in eyes, cleft of mouth or throat, swab with mist undiluted, after removing as much of the cheesy matter as possible. * * * For Rabbits, spray them frequently; in bad cases, treat individually."

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**31128. Misbranding of Arthox. U. S. v. 28 Bottles of Arthox. Default decree of condemnation and destruction.** (F. & D. No. 40479. Sample No. 54814–C.)

The labeling of this product bore false and fraudulent representations regarding its curative and therapuetic effects and false and misleading representations regarding its ingredients. The labeling was further objectionable since it conveyed the impression that the article contained as its essential ingredient a compound of sulfur, iodine, and oxygen; whereas it did not.

On October 13, 1937, the United States attorney for the District of Rhode Island filed a libel against 28 bottles of Arthox at Providence, R. I., alleging that the article had been shipped in interstate commerce on or about July 26, 1937, by the Standard Laboratories, Inc., from Boston, Mass.; and charging that it was misbranded.

Analysis showed that the article consisted essentially of water with small proportions of sulfuric acid, hydrochloric acid, alcohol, and iodine, free and combined.

It was alleged to be misbranded in that the combination of letters "Sulfiodoxygenia" borne on the bottle label, created the impression that the article contained as its essential ingredient a definite compound of sulfur, iodine, and oxygen; whereas it did not contain as its essential ingredient a definite compound of sulfur, iodine, and oxygen. It was alleged to be misbranded further in that the following statements on the bottle label, regarding its curative or therapeutic effects, were false and fraudulent: "Arthox * * * For Arthritis Rheumatoid Conditions * * * Note:—Benefit is seldom experienced before taking two or more bottles."

On October 2, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**31129. Adulteration and misbranding of oil of eucalyptus and oil of sandalwood. U. S. v. H. C. Ryland, Inc., and Harry C. Ryland. Pleas of guilty. Fines, $600.** (F. & D. No. 42614. Sample Nos. 9181–D, 9600–D, 10575–D, 21202–D.)

This case involved oil of eucalyptus and oil of sandalwood, products recognized in the United States Pharmacopoeia, but the strength, quality, and purity of which differed from the standard laid down in the pharmacopoeia as determined by tests described therein.

On September 26, 1940, the United States attorney for the Southern District of New York filed an information against H. C. Ryland, Inc., New York, N. Y., and Harry C. Ryland, alleging shipment within the period from on or about February 19 to on or about April 2, 1938, from the State of New York into the

States of Pennsylvania, Texas, and Michigan of quantities of oil of eucalyptus and oil of sandalwood which were adulterated and misbranded.

The oil of eucalyptus was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, namely, "Oil of Eucalyptus"; but its strength, quality, and purity fell below the professed standard and quality under which it was sold since its congealing point fell below 15.4° Centigrade and its own standard of strength, quality, and purity was not stated on the label. It was alleged to be misbranded in that the statement "Oil Eucalyptus * * * U. S. P.," borne on the label, was false and misleading since it represented that the article was oil of eucalyptus of U. S. P. standard; whereas it fell below such standard.

The oil of sandalwood was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia for sandalwood oil; and fell below the professed standard and quality under which it was sold but its own standard of strength, quality, and purity was not stated on the label. It was alleged to be misbranded in that the statement "Oil Sandalwood E. I. U. S. P.," borne on the can label, was false and misleading since it represented that the article was East Indian sandalwood oil of pharmacopoeial standard; whereas it fell below such standard. It was alleged to be misbranded further in that it was an imitation of and was offered for sale under the name of another article, namely, "Oil Sandalwood * * * U. S. P."

On November 8, 1940, pleas of guilty having been entered, the court imposed fines totaling $600.

**31130. Misbranding of Superchlor Klo-Rid. U. S. v. Patterson Laboratories, Inc. Plea of guilty. Fine, $50.** (F. & D. No. 42796. Sample No. 55863–D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims for both human and veterinary use.

On April 25, 1940, the United States attorney for the Eastern District of Michigan filed an information against the Patterson Laboratories, Inc., Detroit, Mich., alleging shipment on or about June 8, 1939, from the State of Michigan into the State of Indiana, of a quantity of Superchlor Klo-Rid which was misbranded in violation of the Food and Drugs Act as amended.

Analysis showed that the article was a solution containing not more than 2.37 percent of sodium hypochlorite.

The article was alleged to be misbranded in that statements in the labeling, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective as a preventative and in the elimination or spread of contagious or infectious diseases; effective to disinfect open wounds, sore itching feet, skin irritations from poison ivy, rusty nail, insect or animal bite, athlete's foot, ringworm, ingrown toe nail, cuts, scratches, burns, soft corns, or other irritations; effective as a treatment for sore throat, canker, cold sore, mouth infection, and trench mouth; effective as a sexual disinfectant and to relieve irritation from discharge; effective as a preventive of infections resulting from handling and eating wild and domestic meats; effective as a treatment for open sores, mange, skin eruptions, distemper, vent disease, ulcer abscess, sore eyes, and ear canker; effective to prevent colds, infectious bronchitis, pneumonia or other diseases, and to destroy mites in horses, dogs, pets, and fur-bearing animals; effective as a preventive of cholera and other disease, and as a treatment for sore hoofs in hogs; effective as a treatment for open wounds, warts, contagious abortion, and retained afterbirth in cattle; effective as a sheep dip, to destroy mites, nits and scabby matter after shearing; effective as a preventive of roup, canker, pip, diphtheria, chickenpox, or other head and throat trouble, coccidiosis, blackhead in turkey, dysentery, white diarrhoea; effective to thoroughly disinfect the internal organs and to insure a healthy condition in poultry; and effective as a preventive of diseases of animals, pets, poultry, and other fowl.

On June 4, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50.

**31131. Misbranding of Enrich Organic Iron Hematinic. U. S. v. 156 Bottles of Enrich Organic Iron Hematinic. Default decree of condemnation and destruction.** (F. & D. No. 44766. Sample No. 51200–D.)

This product contained insufficient iron to warrant the designation "Organic Iron Hematinic," and its labeling bore false and fraudulent curative and therapeutic claims.

On February 4, 1939, the United States attorney for the Western District of Washington filed a libel against 156 bottles of the above-named drug product at Seattle, Wash., alleging that the article had been shipped in interstate commerce on or about November 25, 1938, by the Pacific Carloading Co. from San Francisco, Calif.; and charging that it was misbranded.

Analysis showed that the article consisted of an aqueous solution containing glycerin, an animal product, and a small proportion of mineral matter (ash), including not more than 0.007 gram of iron per 100 cc.

The article was alleged to be misbranded in that the statement "Organic Iron Hematinic," borne on the carton and bottle label, was false and misleading as applied to an article which contained not more than 0.007 gram of iron per 100 cc.

It was alleged to be misbranded further in that its labeling bore representations that it would be efficacious for the treatment of iron-poor blood, that it would benefit the nerves and improve indigestion, that it would tend to alleviate nervous fatigue, restless sleep, mental depression, irritability and headaches when associated with secondary anemia and vitamin $B_1$ deficiency; that it would increase resistance, build blood, and produce a favorable rise in the hemoglobin and red-blood-cell count when they had been reduced as a result of iron-poor anemia; that by its use children who are pale and weak because of iron-poor blood would show improvement and that adolescent girls would derive great benefit from it; that it was efficacious as a tonic in convalescence and that its use would prevent relapse; that it would be efficacious in run-down conditions resulting from iron deficiency, which said representations were false and fraudulent since it contained no ingredients or combination of ingredients capable of producing the effects claimed.

On March 25, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

**31132. Misbranding of Quick Relief Balm and Potasafras. U. S. v. Columbus Chemical Corporation. Plea of guilty. Fine, $200.** (F. & D. No. 40814. Sample Nos. 31546–C, 43781–C.)

The labeling of these products bore false and fraudulent curative and therapeutic claims, and the Potasafras contained false and misleading representations regarding its constituents.

On June 24, 1938, the United States attorney for the Southern District of Ohio filed an information against the Columbus Chemical Corporation, Columbus, Ohio, alleging shipment within the period from on or about October 27, 1936, to on or about March 6, 1937, from the State of Ohio into the States of Indiana and Florida of quantities of Quick Relief Balm and Potasafras which were misbranded.

Analyses showed that the Quick Relief Balm was an ointment with a petrolatum base containing menthol, eucalyptus, oil of wintergreen, and possibly other aromatic substances; and that the Potasafras consisted essentially of potassium iodide, extracts of plant drugs including sassafras, compounds of ammonium and sodium, phosphates, sulfates, alcohol, and water. A small envelope enclosed in the carton of the Potasafras contained tablets consisting of plant drugs including strychnine-bearing drugs and aloe.

The Quick Relief Balm was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for the nose and throat, that it would reduce swelling and soreness, afford prompt relief from congestion, pains and inflammations, would relieve aches and pains; that it was a local anesthetic and possessed healing powers, would stimulate the recuperative powers of the tissues and heal them, would cure inflamed membranous conditions which are attended by an unusual flow of mucus and congestion, would draw out poisons, heal diseased parts, cure congestions and inflammations of the head, throat and lungs; would cure sore throat, tonsillitis, bronchitis and chest colds, would control coughs and aid in the cure of whooping cough and cure any form of croup other than the membranous form; would alleviate nervous tension and afford relief from asthma, hay fever, and rose fever, and would relieve infections of the frontal sinus, promote rapid healing of sores and abscesses in the ducts from the nasal passage to the ear; would remove scablike incrustations, cool the fevered nostrils and throat, and render the nasal passages antiseptic; would reduce swelling, draw out the poisons and heal aching feet, corns, bunions, ivy poison, sumac poison, oak poison, earache, boils, and sunburn; and would be efficacious in the treatment of catarrh and

resultant congestions and inflammations, la grippe, influenza, Spanish flu, and pneumonia and would be remedial by virtue of its penetrating and healing potency in headaches, neuralgia, neuritis, nerve fag, sleeplessness, rheumatism, sciatica, burns, stings and bites; and that it was an analgesic healing agent in the treatment of diseased conditions of the mucous membranes or muscular tissues.

The Potasafras was alleged to be misbranded in that certain statements in the circular shipped with it and in various advertisements referred to in the said circular and thereby incorporated as an extension, continuation, and complement of the labeling, represented that the article was a notable pharmaceutical achievement prepared pursuant to a proven scientific formula; was a combination of proven and efficacious ingredients that would minimize the usual ill effects of the drug kali hydriodicum (potassium iodide); and admit the taking of said drug in larger quantities than would be salutary otherwise; would enable the physician to obtain quicker response in his treatment by the use of kali hydriodicum of greater strength and in greater dosages; that it was from 30 to 50 percent more efficient and economical than other pharmaceutical preparations for the treatment of diseases through the administration of kali hydriodicum, which statements were false and misleading.

The Potasafras was alleged to be misbranded further in that certain statements in the labeling and incorporated in the labeling as an extension, continuation, and complement thereof falsely and fraudulently represented that it was effective as a blood alterative, tonic, expectorant, sedative and system cleanser; effective as a scientific treatment for a toxic system, that it was effective to act directly on the blood through the body cells, tone, and build the entire body, encourage the cells, lymph glands, and white corpuscles to function 100 percent; that it was effective in diseased conditions that are apparently hopeless, would cure asthma and cause the body cells to throw off the toxins and poisons that cause asthma; that it would be efficacious in the treatment of hay fever, would loosen phlegm, quiet the nerve tension of the throat muscles, check irritation and drive out the infection when used in the treatment of bronchitis; would drive the poisons and toxins from the crevices and folds of the stomach and intestines when used in the treatment of constipation; would cause a gain in weight, would improve the appetite and restore sound sleep, strengthen the muscles, color the cheeks, restore vigor and pep, lower blood pressure and prevent arterial sclerosis, drive pus and poisons from the system and thereby cure rheumatism, neuralgia, and lumbago; would be beneficial in the treatment of goiter, and banish simple or incipient goiter; would act as a tonic and cool the blood, would improve the appetite, enable one to regain lost weight, drive out bacteria and infection, cure boils, pimples and poor complexion; was efficacious in the treatment of liver, gall bladder, kidneys, septicemia, nephritis, jaundice, hepatic cirrhosis, dyspepsia, gout, and biliousness; would increase metabolism and help the white blood corpuscles to devour and carry off bacteria; would stimulate vital lymph glands, relieve choking and coughing, wheezing, congestion and difficult breathing; that it would eliminate poison, that it was efficacious in the treatment of heart and lung trouble, would strengthen the endocrine glands, and increase vitality; would produce miraculous results in the treatment of the blood, that it was the best blood medicine on the market, would cure hay fever 100 percent, would create resistance to germs and bacteria, would enable the organs to discharge their functions faster and better, that it would alleviate conditions that were concomitants of asthma, hay fever, bronchitis and other diseases and disorders due to a toxic system, and would improve eyesight and reduce susceptibility to colds.

On April 8, 1941, a plea of guilty having been entered on behalf of the defendant, the court imposed a fine of $200.

**31133. Misbranding of Runner's Sore Throat Remedy. U. S. v. C. H. Griest Co., Inc., and Earl I. Runner. Pleas of guilty. Fines, $800.** (F. & D. No. 42533. Sample Nos. 18262–C, 65614–C.)

The labeling of this product bore false and fraudulent curative and therapeutic claims; and also a false statement of the quantity of alcohol that it contained.

On August 13, 1938, the United States attorney for the Northern District of West Virginia filed an information against C. H. Griest Co., Inc., Wheeling, W. Va., and Earl I. Runner, alleging shipment on or about July 29, 1936, and September 20, 1937, from the State of West Virginia into the State of Pennsylvania, of quantities of Runner's Sore Throat Remedy which was misbranded.

Analyses showed that one shipment consisted chiefly of a hydroalcoholic solution of boric acid, clove oil, cinnamon oil, menthol, creosote, zinc chloride, and alcohol (not less than 23 percent by volume); and that the other shipment consisted of a hydroalcoholic solution of boric acid, zinc chloride, guaiacol, volatile oils, and alcohol (not less than 22.3 percent by volume).

The article was alleged to be misbranded in that the statement "Alcohol 10% by Volume," borne on the bottle label, was false and misleading since it represented that the article contained 10 percent of alcohol by volume; whereas it contained more than 10 percent, namely, not less than 22.3 percent in one of the shipments and not less than 23 percent in the other.

It was alleged to be misbranded further in that certain statements regarding its curative and therapeutic effects, borne on the bottle labels, falsely and fraudulently represented that it was effective as a remedy for sore throat; and effective to give immediate relief from sore and ulcered mouth, throat and tonsils, laryngitis, quinsy, tonsillitis, and hoarseness.

On April 25, 1939, pleas of guilty having been entered on behalf of the defendants, each was fined $100 on each of the four counts, the total fines amounting to $800.

**31134. Adulteration and misbranding of British oil, Elixir Aspirin and Murray's Horehound, Mullein and Tar; misbranding of Dalby's Carminative and Dr. Hilton's Life Brand for the Kidneys and Liver. U. S. v. McKesson & Robbins, Inc., Murray Division. Plea of nolo contendere. Fine, $100.** (F. & D. No. 42625. Sample Nos. 764–D, 10034–D, 10035–D, 10037–D, 54353–C, 54354–C, 54355–C.)

This case was based on two shipments of British oil and one shipment of Murray's Horehound, Mullein and Tar which differed from their declared strength and the labeling of which bore false and fradulent curative and therapeutic claims; one shipment of Elixir Aspirin which differed from its declared strength; one shipment of Dalby's Carminative which was labeled to indicate that it was safe but which in fact was not safe and the labeling of which also bore false and fraudulent curative and therapeutic claims; and two shipments of Dr. Hilton's Life Brand for the Liver and Kidneys the labeling of which bore false and fraudulent curative and therapeutic claims and a false and misleading declaration of alcohol and falsely represented that it complied with the law.

On February 20, 1939, the United States attorney for the Eastern District of South Carolina filed an information against McKesson & Robbins, Inc., Murray Division, Columbia, S. C., alleging shipment within the period from on or about February 15, 1937, to on or about February 7, 1938, from the State of South Carolina into the States of Florida and Georgia of quantities of the above-named drug preparations all of which were misbranded and portions of which were also adulterated.

Analyses showed that one lot of the British oil consisted essentially of a mixture of cottonseed oil, petroleum, turpentine, a trace of phenolic substances and little, if any, linseed oil, and that the other lot consisted essentially of a mixture of fatty oil, petroleum, and turpentine; that Dalby's Carminative consisted essentially of a liquid containing oils of peppermint and anise, magnesium carbonate in suspension, and morphine equivalent to slightly less than the declared 1⅛ grains of powdered opium; that Murray's Horehound, Mullein and Tar consisted essentially of a syrupy solution containing horehound, tar, sugar, menthol, and chloroform (1.06 minims per fluid ounce); and that Dr. Hilton's Life for the Kidneys and Liver consisted essentially of a dilute hydroalcoholic sugar solution containing essentially plant extractives including those of emodin-bearing drugs, flavored with licorice and other aromatics.

The British oil was alleged to be adulterated in that its strength and purity fell below the professed standard and quality under which it was sold, namely, "Prepared according to the formula * * * published in the United States Dispensary, tenth edition, page 521," since it contained little, if any, oil of linseed but did contain cottonseed oil; whereas British oil prepared according to the said formula contains in each 27 fluid ounces, among other things, 8 fluid ounces of oil of linseed and does not contain cottonseed oil.

The British oil was alleged to be misbranded in that the statements "British Oil Prepared according to the formula * * * published in the United States Dispensary, tenth edition, page 521," were false and misleading. It was alleged to be misbranded further in that statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy or cure for swellings, inflammations, the blackness of a bruise, fresh wounds, cuts, earaches, coughs, shortness of breath, pain, swelling, ulcers, and inward disorders.

The Elixir Aspirin was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each fluid drachm contains 5 grains Acetylsalicylic Acid" since it did not contain 5 grains of acetylsalicylic acid per fluid ounce but did contain a smaller amount, namely, not more than 4.22 grains.

It was alleged to be misbranded in that the statement "Each fluid drachm contains 5 grains Acetylsalicylic Acid" was false and misleading since each fluid drachm of the article contained less than 5 grains of acetylsalicylic acid.

Dalby's Carminative was alleged to be misbranded in that the following statements, "For Infants Afflicted With Wind, Watery Gripes, Fluxes and Other Disorders of the Stomach and Bowels. It is a safe Medicine * * * and often proves an immediate remedy in the above complaints of children and is equally useful in disorders of a similar nature, proceeding from a redundency of acid humors in the stomach of grown persons. When the child is oppressed with wind, or pained in the bowels, this medicine may be given in the following doses; if the first dose should not procure relief in about ten minutes, the same dose may be repeated twice, or even three times if necessary. For a child in the first week, from three to ten drops; from one to four weeks old, it may be gradually increased to half a teaspoonful; and from one to six months old, from half to a whole teaspoonful; from thence to a year old two teaspoonfuls; increasing the dose according to the child's age or constitution. * * * In water gripes and bloody stools the dose before mentioned may be repeated every two or three hours during the violence of the symptoms afterwards every morning and evening till the disorder is removed. A grown person may take a half or two-thirds of a bottle at a dose, or if the pain be violent, he may take a whole bottle, mixed well with some convenient liquid," in an accompanying circular were false and misleading since they represented and created the impression and belief in the minds of purchasers that the article, when taken as directed therein, was a safe medicament; whereas it was not a safe medicament but was a dangerous one when taken as so directed. It was alleged to be misbranded further in that said statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment, remedy, and cure for wind, water gripes, fluxes, bloody stool and other disorders of the stomach and bowels of infants and children and disorders of a similar nature of grown persons, and that when used as directed, it was a safe and appropriate remedy for the disease conditions mentioned in the labeling.

Murray's Horehound, Mullein and Tar was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold, namely, "Each fluid oz. contains chloroform 2 minims" since each fluid ounce did not contain 2 minims of chloroform but did contain a smaller amount, namely not more than 1.06 minims.

It was alleged to be misbranded in that the statement "Each fluid oz. contains chloroform 2 minims" borne on the label was false and misleading since each fluid ounce of the article contained less than 2 minims of chloroform. It was alleged to be misbranded further in that said statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as an antispasmodic in croup and as a treatment, remedy, and cure for chronic and recent coughs, bronchitis, hoarseness, loss of voice, and all diseases of the throat and lungs.

Dr. Hilton's for the Liver and Kidneys was alleged to be misbranded in that the statements "Guaranteed under the Food and Drugs Act, June 30, 1906" with respect to one lot and the statements "Guaranteed by Life Medicine Co., under the Food and Drugs Act, June 30, 1906" with respect to the other lot and the statements "Alcohol 20 Per Cent" with respect to both lots, borne on the labels, were false and misleading in that they represented that the article complied with each and every provision of the Food and Drugs Act and had been examined by officers of the Government and was guaranteed by such officers to comply with each and every provision of said Act and that it contained 20 percent of alcohol; whereas it did not comply with each and every provision of the Act of Congress of June 30, 1906, and contained less than 20 percent, namely, approximately 13.3 percent by volume of alcohol.

It was alleged to be misbranded further in that the packages failed to bear a statement on the label of the quantity or proportion of alcohol it contained since the statement on the label was not correct.

It was alleged to be misbranded further in that statements regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective to cleanse the system, to purge the liver and dispel biliousness, sick

headache and all ailments due to a sluggish or inactive liver, to produce healthy operation of the bowels, to regulate the stomach, liver and kidneys, to purify the blood, to strengthen, regulate and give tone to the whole system, to improve digestion, to ward off malaria and thus prevent chills and fever; to remove the cause of derangement and effect a cure in liver complaint; to remove the cause of dyspepsia; to restore digestion to its healthy condition; to relieve sick headache and remove the cause thereof; to relieve piles, to make the bowels act regularly; to correct the liver and kidneys and make their secretions healthy; to make the blood pure; to cause worms to leave the bowels; to effect a cure of rheumatism, gout and neuralgia; to purify the blood and carry off impurities and build up broken-down constitutions and make them like new; and effective, among other things, as a treatment, remedy, or cure for habitual constipation, dyspepsia, indigestion and their effects such as nausea, sick headache and sour stomach; female complaints; weight or pain in the right side; frequent palpitation of the heart; uneasiness at the stomach; pains in the sides, back and lower part of the bowels; diseases of the kidneys, impure blood, diseases of the skin, scrofula, sore mouth, salt rheum, pimples on the face, old sores or ulcers, all humors of the blood, and dropsy.

On November 8, 1940, a plea of nolo contendere having been entered on behalf of the defendant, the court imposed a fine of $100.

**31135. Adulteration and misbranding of sandalwood oil. U. S. v. Alfred C. Hoffman (Red Mill Drug Co.) Plea of guilty. Fine, $8.** (F. & D. No. 42799. Sample Nos. 1600–D, 2362–D, 9624–D, 77634–D.)

This product differed from the pharmacopoeial standard in the following respects: It contained mineral oil; it yielded less than 90 percent of alcohols calculated as santalol. It did not have the characteristic color of sandalwood, and was not soluble in 5 volumes of 70 percent alcohol. It also differed from the pharmacopoeial standard with respect to its specific gravity, optical rotation, and refractive index.

On November 7, 1940, the United States attorney for the Eastern District of New York filed an information against Alfred C. Hoffman, trading as the Red Mill Drug Co., Brooklyn, N. Y. alleging shipment within the period from on or about November 9, 1937, to on or about February 2, 1939, from the State of New York into the States of Pennsylvania and Missouri of quantities of sandalwood oil that was adulterated and misbranded.

The article in all shipments was alleged to be adulterated in that it was sold under and by a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the tests laid down in the pharmacopoeia official at the time of investigation; and its own standard of strength, quality, and purity was not declared on the container. One shipment was alleged to be adulterated further in that its strength and purity fell below the professed standard and quality under which it was sold in that each capsule was represented to contain 5 minims of the article; whereas each capsule contained less than 5 minims, namely, not more than 4.43 minims of the article.

The article in three shipments was alleged to be misbranded in that the statement "Pure East India (U. S. P.) Sandalwood Oil," borne on the cartons, was false and misleading since it represented that the article was sandalwood oil which conformed to the standard laid down in the United States Pharmacopoeia; whereas it was not sandalwood oil which conformed to the standard laid down in such compendium.

The remaining shipment was alleged to be misbranded in that the statement "Each capsule contains Sandalwood Oil * * * 5 minims," borne on the carton, was false and misleading since the said statement represented that the article consisted entirely of sandalwood oil and that each of the capsules contained 5 minims thereof; whereas it did not consist entirely of sandalwood oil but did consist in part of mineral oil and each of the capsules did not contain 5 minims of the article but did contain a smaller amount. All shipments were alleged to be misbranded further in that the article was an imitation of sandalwood oil and was offered for sale and sold under the name of another article.

The information also charged the defendant with various other shipments of sandalwood oil that was adulterated and misbranded in violation of the Federal Food, Drug, and Cosmetic Act, as reported in notice of judgment D. D. N. J. No. 347.

On January 7, 1941, a plea of guilty having been entered, the court imposed a fine of $8 on the counts charging violation of the Federal Food and Drugs Act of 1906. (The defendant was also sentenced to 10 months' imprisonment on the

10 counts covering violations of the Federal Food, Drug, and Cosmetic Act but this sentence was suspended and the defendant was placed on probation for 1 year.)

**31136. Adulteration of Ovestrin in Oil. U. S. v. American Parentrasol Laboratories, Inc., and George Blank. Pleas of nolo contendere. Corporation fined $100. George Blank fined $100; imposition of sentence suspended and defendant placed on probation for 2 years.** (F. & D. No. 42805. Sample No. 54572–D.)

This product possessed about one-third the potency declared on its label.

On February 13, 1941, the United States attorney for the District of Connecticut filed an information against the American Parentrasol Laboratories, Inc., Bridgeport, Conn., and George Blank, alleging shipment on or about May 29, 1939, from the State of Connecticut into the State of Michigan of a quantity of Ovestrin in Oil which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength fell below the professed standard or quality under which it was sold since each cubic centimeter was represented to possess the therapeutic activity of 10,000 International Units of estrogenic ovarian follicular hormones; whereas each cubic centimeter of the article possessed a therapeutic activity of less than 10,000, namely, not more than 3,250 International Units of estrogenic ovarian follicular hormones.

It was alleged to be misbranded in that the statements (box) "1 c. c. therapeutic activity of 10,000 i. u. of estrogenic ovarian follicular hormones" and (ampuls) "1 c. c. equals 10,000 i. u." were false and misleading since they represented that the article possessed a therapeutic activity of 10,000 International Units of estrogenic ovarian follicular hormones; whereas it possessed the therapeutic activity of less than 10,000, namely, not more than 3,250 International Units of estrogenic ovarian follicular hormones.

The information also charged the shipment in interstate commerce of various drugs in violation of the Federal Food, Drug, and Cosmetic Act reported in notices of judgment published under that act.

On May 6, 1941, pleas of nolo contendere having been entered on behalf of the defendants, the court fined both the corporation and George Blank $100 but suspended imposition of sentence as to the latter and placed him on probation for 2 years. (Both defendants were fined $50 on each of the 8 counts charging violation of the Federal Food, Drug, and Cosmetic Act.)

**31137. Adulteration and misbranding of Gestrone. U. S. v. Pro-Medico Laboratories, Inc., and Samuel Heller. Pleas of guilty. Fine, $200.** (F. & D. No. 42767. Sample No. 51247–D.)

The potency of this product did not exceed one-seventh of that declared on the label.

On February 19, 1940, the United States attorney for the Eastern District of New York filed an information against the Pro-Medico Laboratories, Inc., Brooklyn, N. Y., and Samuel Heller, alleging shipment on or about April 6, 1939, from the State of New York into the State of Pennsylvania of a quantity of Gestrone which was adulterated and misbranded. The article was labeled in part: "A Pro-Medico Product Gestrone."

The article was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold since it was represented to possess a potency of not less than 125 rat units per cubic centimeter; whereas it possessed a potency equivalent to not more than 17 rat units per cubic centimeter.

It was alleged to be misbranded in that the statement, "physiologically standardized to a potency of not less than 125 rat units per cc," borne on the label, was false and misleading since it represented that the article had been physiologically standardized to a potency of not less than 125 rat units per cubic centimeter; whereas it possessed a potency equivalent to not more than 17 rat units per cubic centimeter.

On March 11, 1940, pleas of guilty having been entered on behalf of the defendants, they were each sentenced to pay a fine of $50 on each of the two counts of the information, the total fines amounting to $200.

**31138. Adulteration and misbranding of phenacetin compound tablets and acetanilid tablets. U. S. v. Flint, Eaton & Co. Plea of nolo contendere. Judgment of guilty. Fine, $50.** (F. & D. No. 38682. Sample Nos. 18628–C, 18778–C, 21308–C.)

The phenacetin compound tablets contained less aspirin than the amount declared on the label, and the acetanilid tablets contained less acetanilid than was declared.

On March 15, 1940, the United States attorney for the Southern District of Illinois filed an information against Flint, Eaton & Co., a corporation, Decatur, Ill., alleging shipment on or about October 23 and November 12, 1936, and January 11, 1937, from the State of Illinois into the States of Iowa and Missouri of quantities of phenacetin compound tablets and acetanilid tablets that were adulterated and misbranded.

The phenacetin compound tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain 3 grains of aspirin; whereas each tablet contained less than so represented, namely, not more than 1.82 grains of aspirin. They were alleged to be misbranded in that the statement "Tablets * * * Aspirin 3 grs.," borne on the bottle label, was false and misleading.

The acetanilid tablets were alleged to be adulterated in that they were sold under and by a name recognized in the National Formulary, but differed from the standard of strength, quality, and purity as determined by the test laid down therein since the National Formulary provides that tablets of acetanilid shall contain not less than 92.5 percent of the labeled amount of acetanilid; whereas the tablets labeled 3 grains contained not more than 79.0 percent of the amount of acetanilid declared on the label (not more than 2.37 grains per tablet); and those labeled 5 grains contained not more than 85.8 percent of the amount declared (not more than 4.29 grains of acetanilid per tablet); and the standard of strength, quality, and purity of the article was not declared on the container. They were alleged to be adulterated further in that their strength and purity fell below the professed standard and quality under which they were sold since they were represented to contain, in one instance, 3 grains of acetanilid and, in the other, 5 grains of acetanilid; whereas the tablets contained less than so represented. They were alleged to be misbranded in that the statements, "Tablets * * * Acetanilid 3 grains" and "Acetanilid 5 grains," borne on the bottle labels, were false and misleading.

On June 28, 1940, a plea of nolo contendere having been entered, the court found the defendant guilty and imposed a fine of $50 in lieu of fine and costs.

**31139. Misbranding of Dr. Meyers Nervine and Mdme Brady's Female Compound. U. S. v. Purepac Corporation. Tried to the court and a jury. Verdict of guilty. Fine, $599.** (F. & D. No. 42655. Sample Nos. 8867–D, 8868–D.)

The labeling of these products bore false and fraudulent curative and therapeutic claims.

On July 25, 1939, the United States attorney for the Southern District of New York filed an information against the Purepac Corporation, New York, N. Y., alleging shipment within the period from on or about December 23, 1937, to on or about February 8, 1938, from the State of New York into the State of Illinois of quantities of Dr. Meyers Nervine and Mdme Brady's Female Compound which were misbranded. The articles were labeled in part: "Distributed by Oakland Laboratories, Chicago, Ill."

Analyses showed that Dr. Meyers Nervine consisted essentially of bromides including ammonium bromide, potassium bromide, and sodium bromide, extract of valerian, sugar, and water; and that Mdme Brady's Female Compound consisted essentially of plant drugs indicating the presence of squaw vine, passiflora, poplar, blue cohosh, black cohosh, pokeroot, senna leaves, cascara, berberis, viburnum, juniper, and celery, sodium salicylate, alcohol, sugar, and water.

Dr. Meyers Nervine was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of nervous diseases, that it would quiet the nerves and bring to the nervous system a natural repose that is conducive to good health, that it was effective as a valuable, safe, dependable, nonnarcotic, harmless compound; that it was effective in the treatment of dispsomania, drunkenness, and delirium tremens and would aid in breaking the habit of drunkenness, and would relieve nervous disorders that resulted in the forming of the habit as well as those that resulted therefrom; that it was effective in the treatment of nervous headaches, general nervousness and hysteria; that it would restore impaired nervous energy and quiet the nerves, aid in the exercise of will power; that it was effective in the treatment of nervous exhaustion and conditions resulting therefrom such as dizziness, headaches, sleeplessness, anxiety, weakness of the heart, eyes and stomach, neuralgia, sciatica, sleeplessness caused by brain irritation and digestive disorders resulting in impaired nerves.

Mdme Brady's Female Compound was alleged to be misbranded in that certain statements in the labeling regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective in the treatment of ailments of women due to overwork, undernourishment, and run-down physical condition; and that it was effective as a general systemic tonic for women.

On July 14, 1941, the defendant having entered a plea of not guilty, the case came on for trial before the court and a jury. The trial was concluded on July 18, 1941, on which date the jury returned a verdict of guilty. On July 29, 1941, the court sentenced the defendant to pay a fine of $599.

**31140. Adulteration and misbranding of iron, arsenic, and strychnine, and of Rumen Stimulant; misbranding of San-O-Fern and Mastitis Ointment. U. S. v. J. F. Devine Laboratories, Inc. Plea of guilty. Fine, $400.** (F. & D. No. 42650. Sample Nos. 842–D, 7538–D, 10328–D, 14396–D, 14522–D.)

This case involved two shipments of iron, strychnine, and arsenic of which both lots were deficient in strychnine sulfate and one was also deficient in arsenic trioxide; one shipment of Rumen Stimulant which contained less barium chloride than declared, and one shipment each of San-O-Fern and Mastitis Ointment the labeling of which bore false and fraudulent curative and therapeutic claims.

On August 15, 1940, the United States attorney for the Southern District of New York filed an information against the J. F. Devine Laboratories, Inc., Goshen, N. Y., alleging shipment within the period from on or about December 8, 1937, to on or about February 2, 1938, from the State of New York into the States of Maine, North Carolina, New Jersey, Vermont, and New Hampshire of quantities of the above-named drugs which were adulterated and/or misbranded.

Analyses showed that the San-O-Fern consisted essentially of small proportions of oleoresin of male fern, santonin, calomel, and chloroform; and that the Mastitis Ointment contained small proportions of iodine and sulfuric acid incorporated in a lanolin base.

The iron, arsenic, and strychnine was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each fluid ounce of the article was represented to contain 1 grain of strychnine sulfate and 1 grain of arsenic trioxide; whereas each fluid ounce contained less than 1 grain of strychnine sulfate, samples taken from the two shipments having been found to contain 0.85 grain and 0.58 grain, respectively, of strychnine sulfate and one shipment contained less than 1 grain, namely, not more than 0.54 grain of arsenic trioxide. The article was alleged to be misbranded in that the statement "Each fluid ounce represents Strych. Sulf. 1 Gr.," with respect to both shipments, and the statement "Arsenic Triox. 1 Gr." with respect to one of the shipments, borne on the labels, were false and misleading since the article in both shipments contained less than 1 grain of strychnine sulfate per fluid ounce and in one of the shipments it contained less than 1 grain of arsenic trioxide per fluid ounce.

The Rumen Stimulant was alleged to be adulterated in that its strength fell below the professed standard and quality under which it was sold in that each ounce was represented to contain 30 grains of barium chloride; whereas each ounce contained less than so represented, namely, not more than 21.1 grains of barium chloride. It was alleged to be misbranded in that the statement, "Each ounce of Rumen Stimulant contains approximately: * * * Barium Chloride 30 Gr.," borne on the label, was false and misleading since each ounce of the article did not contain 30 grains of barium chloride but did contain a smaller amount.

San-O-Fern was alleged to be misbranded in that certain statements on the label, regarding its curative and therapeutic effects, falsely and fraudulently represented that it was effective among other things as a treatment for roundworms (ascarids).

The Mastitis Ointment was alleged to be misbranded in that certain statements on the label regarding its curative and therapeutic effects falsely and fraudulently represented that it was effective as a treatment for "Mastitis * * * (Garget 'Caked Bag')."

On September 25, 1940, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 on each of the eight counts, the total fines amounting to $400.

# INDEX TO NOTICES OF JUDGMENT 31106–31140



[1] Prosecution contested.

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[2] Contains an opinion of the court.
[3] Contains opinions of the court.

U. S. GOVERNMENT PRINTING OFFICE: 1942